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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,866	03/09/2004	Stephen W. Steffes	146-03	2681

7590 07/13/2005
John F. McNulty at Paul & Paul
2900 Two Thousand Market Street
Philadelphia, PA 19103

EXAMINER

CHAPMAN, JEANETTE E

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/796,866	Applicant(s) STEFFES ET AL.	
	Examiner Chapman E. Jeanette	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>PATENT COPY w/ANNOTATIONS</u> |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim *1-4 and 6-14* are rejected under 35 U.S.C. 103(a) as being unpatentable over West et al (5853167) in view of Steckler (5568709) and Sandlin (6513284).

West discloses an adornment for a post comprising:

1. a cap 110 having
 - a. a decorative upper end 120 of a predetermined configuration
 - b. a lower end 120a having a downwardly opening hollow skirt *having an interior and exterior surface and adapted to be disposed over the top of a post to receive the post therein, the interior surface of the skirt is in snug fitting close engagement relative thereto; see figures 2 and 5*
2. a ring 114 to be disposed around the end of a post vertically spaced from the cap; the base ring is interchangeably used as a cap ring; see figure 5 and the accompanying text; the base ring includes
 - a. a hollow interior
 - b. a vertical opening sized to fit over the post in close engagement

3. the ring 114 having a skirt sized to be spaced outwardly of an end of the post (see annotations on patent copy) away from the post; the ring having
 - a. an interior surface sized to engage the exterior surface of the skirt of the cap in snug fitting close engagement
 - b. a vertical opening sized to fit over the post in close fitting engagement relative thereto
4. The ring is interchangeably useable as any of a cap ring and a base ring see figure 5
5. The cap has an outwardly extending flange; see annotations on patent copy
6. The base and cap ring are substantially identical to each other. See figure 5
7. Both the cap and the cap ring are provided and the hollow interior of the cap ring is sized to receive the skirt of the cap therein in close fitting engagement; see portion adjacent to ref. no. 134
8. the base ring includes an exterior surface has exterior of various widthwise stepped dimensions vertically along the exterior surface; see figure 3A and 5 and accompanying text; the stepped exterior dimensions that reduce in width wise dimension from the top to the bottom when placed on the post.
9. the cap ring includes an exterior surface has exterior of various widthwise stepped dimensions vertically along the exterior surface; see figure 3A and 5 and accompanying text; the stepped exterior dimensions that reduce in width wise dimension from the top to the bottom when placed on the post.
10. The base and cap ring are mounted spaced apart along the post. See figure 5.

11. The interior of any one of the skirt of the cap, the base ring and the cap ring are of rectangular configuration in horizontal cross section; see figure 3

Vinyl is a polymer material; the material of construction has been considered a matter of choice. One of ordinary skill in the art would have appreciated making the adornment of any material aiding in fulfilling the intended use, function, purpose and structure of the same.

Steckler and Sandlin shows a post adornment with a ring and a cap and the ring and cap are in close fitting engagement with the post. See figure 2 of Sandlin. It would have been obvious to one of ordinary skill in the art to modify West to include alternative decorative designs for variety and aesthetic appeal as shown by the above two secondary references.

Arguments are moot in view of the new ground of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chapman E Jeanette whose telephone number is 703-308-1310. The examiner can normally be reached on Mon.-Fri, 8:30-6:00, every other fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Friedman Carl can be reached on 703-308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jeanette Chapman
Primary Examiner

PATENT COPY w/ANNOTATIONS

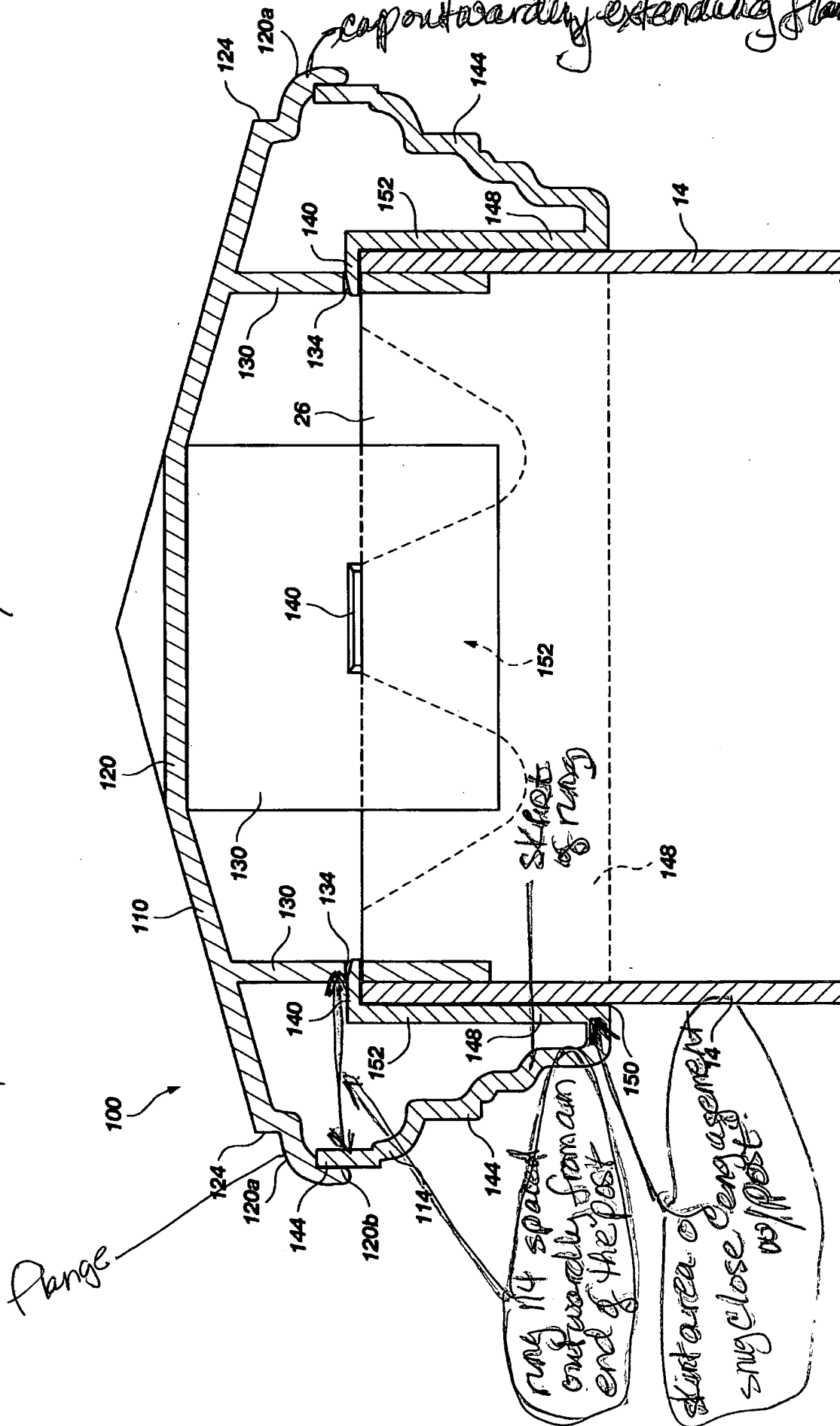


Fig. 2